

Pending Amendments

Federal Rules of Bankruptcy Procedure

Federal Bankruptcy Forms

Federal Bankruptcy Fees

Effective Date

December 1, 2013

Pending rules amendments will take effect on December 1, 2013, unless Congress enacts legislation to reject, modify, or defer them. The amended rules will govern in proceedings commenced after that date and, if just and practicable, in all pending proceedings at that date.

Federal Bankruptcy Rules

Pending Amendments – December 1, 2013

Rule 1007(b)(7)

(b) Schedules, statements, and other documents required

(7) Unless an approved provider of an instructional course concerning personal financial management has notified the court that a debtor has completed the course after filing the petition:

(A) An individual debtor in a chapter 7 or chapter 13 case shall file a statement of completion of ~~a~~ the course ~~concerning personal financial management~~, prepared as prescribed by the appropriate Official Form; and

(B) An individual debtor in a chapter 11 case shall file the statement ~~in a chapter 11 case which if~~ § 1141(d)(3) applies.

Federal Bankruptcy Rules

Pending Amendments – December 1, 2013

Rule 1007(b)(7)

Explanation of Amendment:

Relieves individual debtors of obligation to file Official Form 23 if provider of personal financial management course directly files notification with the court that debtor has completed the course.

Federal Bankruptcy Rules

Pending Amendments – December 1, 2013

Rule 4004(c)(1)(H), (K)

(c) Grant of discharge

(1) In a chapter 7 case, on expiration of the times fixed for objecting to discharge and for filing a motion to dismiss the case under Rule 1017(e), the court shall forthwith grant the discharge ~~unless~~, except that the court shall not grant the discharge if:

(H) the debtor has not filed with the court a statement of completion of a course concerning personal financial management ~~as~~ if required by Rule 1007(b)(7);

(K) a presumption ~~has arisen~~ is in effect under § 524(m) that a reaffirmation agreement is an undue hardship ~~and the court has not concluded a hearing on the presumption~~;

Federal Bankruptcy Rules

Pending Amendments – December 1, 2013

Rule 4004(c)(1)(H), (K)

Explanation of Amendment:

Introductory language revised to emphasize listed exceptions do not relieve the court of obligation to enter discharge, but rather prevent the court from entering a discharge.

(H) - Conforms to amendment of Rule 1007(b)(7); acknowledges that individual debtor is not required to file Form 23 if personal financial management course provider files notification with court of debtor's completion of course.

(K) – Clarifies that prohibition on entering discharge due to presumption of undue hardship under § 524(m) ceases when presumption expires or court concludes a hearing on presumption.

Federal Bankruptcy Rules

Pending Amendments – December 1, 2013

Rule 5009(b)

(b) Notice of Failure to File Rule 1007(b)(7) Statement

If an individual debtor in a chapter 7 or 13 case ~~has not filed the~~ **is required to file a** statement ~~required by~~ **under** Rule 1007(b)(7) **and fails to do so** within 45 days after the first date set for the meeting of creditors under § 341(a) of the Code, the clerk shall promptly notify the debtor that the case will be closed without entry of a discharge unless the **required** statement is filed within the applicable time limit under Rule 1007(c).

Federal Bankruptcy Rules

Pending Amendments – December 1, 2013

Rule 5009(b)

Explanation of Amendment:

Conforms Rule 5009(b) to amendment of Rule 1007(b)(7):

- Current rule provides that clerk will send warning notice for failure of individual debtor who has not filed Form 23 within 45 days of first date of meeting of creditors.
- Amended rule requires clerk to send notice ***only if*** personal financial management course provider has not notified court nor has debtor filed Form 23 within 45 days of first date of meeting of creditors.

Federal Bankruptcy Rules

Pending Amendments – December 1, 2013

Rule 9006(d)

(d) ~~For Motions~~ ~~and Affidavits~~ Papers

A written motion, other than one which may be heard ex parte, and notice of any hearing shall be served not later than seven days before the time specified for such hearing, unless a different period is fixed by these rules or by order of the court. Such an order may for cause shown be made on ex parte application. When a motion is supported by affidavit, the affidavit shall be served with the motion; ~~and, .~~ ~~e~~ Except as otherwise provided in Rule 9023, ~~opposing affidavits may~~ **any written response shall** be served not later than one day before the hearing, unless the court permits ~~them to be served at some other time~~ **otherwise**.

Federal Bankruptcy Rules

Pending Amendments – December 1, 2013

Rule 9006(d)

Explanation of Amendment:

Clarifies that this rule applies to time limits for service of motion papers.

Broadens rule to apply to any written response to a motion, rather than just to opposing affidavits.

Federal Bankruptcy Rules

Pending Amendments – December 1, 2013

Rule 9013

A request for an order, except when an application is authorized by these rules, shall be by written motion, unless made during a hearing. The motion shall state with particularity the grounds therefor, and shall set forth the relief or order sought. Every written motion, other than one which may be considered ex parte, shall be served by the moving party within the time determined under Rule 9006(d). The moving party shall serve the motion on:

- (a) the trustee or debtor in possession and on those entities specified by these rules; or
- (b) the entities the court directs if these rules do not require service or specify entities to be served ~~if service is not required or the entities to be served are not specified by these rules, the moving party shall serve the entities the court directs.~~

Federal Bankruptcy Rules

Pending Amendments – December 1, 2013

Rule 9013

Explanation of Amendment:

Adds a cross-reference to Rule 9006(d) to call attention to time limits for service of motions or any written responses to motions.

Other changes are stylistic.

Federal Bankruptcy Rules

Pending Amendments – December 1, 2013

Rule 9014(b)

(b) Service.

The motion shall be served in the manner provided for service of a summons and complaint by Rule 7004 and within the time determined under Rule 9006(d). Any written response to the motion shall be served within the time determined under Rule 9006(d). Any paper served after the motion shall be served in the manner provided by Fed. R. Civ. P. 5(b).

Federal Bankruptcy Rules

Pending Amendments – December 1, 2013

Rule 9014(b)

Explanation of Amendment:

Adds a cross-reference to Rule 9006(d) to call attention to time limits for service of motions or any written responses to motions.

Federal Bankruptcy Forms

Pending Amendments – December 1, 2013

B 3A – *Application for Individuals to Pay the Filing Fee in Installments*

B 3B – *Application to Have the Chapter 7 Filing Fee Waived*

B 6I – *Schedule I: Your Income*

B 6J – *Schedule J: Your Expenses*

Forms Modernization Project

B 3A – Application for Individuals to Pay the Filing Fee in Installments

Fill in this information to identify your case:

Debtor 1			
	First Name	Middle Name	Last Name
Debtor 2 (Spouse, if filing)			
	First Name	Middle Name	Last Name
United States Bankruptcy Court for the:			District of ▼
Case number (if known)			

☐ Check if this is an amended filing

Official Form B 3A

Application for Individuals to Pay the Filing Fee in Installments

12/13

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information.

Part 1: Specify Your Proposed Payment Timetable

1. Which chapter of the Bankruptcy Code are you choosing to file under?

- ☐ Chapter 7 Fee: \$306
☐ Chapter 11 Fee: \$1,213
☐ Chapter 12 Fee: \$246
☐ Chapter 13 Fee: \$281

2. You may apply to pay the filing fee in up to four installments. Fill in the amounts you propose to pay and the dates you plan to pay them. Be sure all dates are business days. Then add the payments you propose to pay.

You must propose to pay the entire fee no later than 120 days after you file this bankruptcy case. If the court approves your application, the court will set your final payment timetable.

You propose to pay...

\$		<input type="checkbox"/> With the filing of the petition	
		<input type="checkbox"/> On or before this date.....	MM / DD / YYYY
\$		On or before this date.....	MM / DD / YYYY
\$		On or before this date.....	MM / DD / YYYY
+	\$	On or before this date.....	MM / DD / YYYY

Total

\$

◀ Your total must equal the entire fee for the chapter you checked in line 1.

Part 2: Sign Below

By signing here, you state that you are unable to pay the full filing fee at once, that you want to pay the fee in installments, and that you understand that:

- You must pay your entire filing fee before you make any more payments or transfer any more property to an attorney, bankruptcy petition preparer, or anyone else for services in connection with your bankruptcy case.
- You must pay the entire fee no later than 120 days after you first file for bankruptcy, unless the court later extends your deadline. Your debts will not be discharged until your entire fee is paid.
- If you do not make any payment when it is due, your bankruptcy case may be dismissed, and your rights in other bankruptcy proceedings may be affected.

Signature of Debtor 1

Date MM / DD / YYYY

Signature of Debtor 2

Date MM / DD / YYYY

Signature of Debtor 3
Your attorney's name and signature, if you used one

Date MM / DD / YYYY

B 3B – Application to Have the Chapter 7 Filing Fee Waived

Fill in this information to identify your case:

Debtor 1

Debtor 2 (Spouse, if filing)

United States Bankruptcy Court for the: District of

Case number (if known)

☐ Check if this is an amended filing

Official Form B 3B

Application to Have the Chapter 7 Filing Fee Waived

12/13

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known).

Part 1: Tell the Court About Your Family and Your Family's Income

1. What is the size of your family?

Your family includes you, your spouse, and any dependents listed on Schedule J: Current Expenditures of Individual Debtor(s) (Official Form B 6J).

Check all that apply:

- ☐ You
☐ Your spouse
☐ Your dependents

How many dependents?

Total number of people

2. Fill in your family's average monthly income.

Include your spouse's income if your spouse is living with you, even if your spouse is not filing.

Do not include your spouse's income if you are separated and your spouse is not filing with you.

Add your income and your spouse's income. Include the value (if known) of any non-cash governmental assistance that you receive, such as food stamps (benefits under the Supplemental Nutrition Assistance Program) or housing subsidies.

If you have already filled out Schedule I: Your Income, see line 10 of that schedule.

That person's average monthly net income (take-home pay)

You \$

Your spouse ... + \$

Subtotal \$

Subtract any non-cash governmental assistance that you included above.

— \$

Your family's average monthly net income

Total \$

3. Do you receive non-cash governmental assistance?

- ☐ No
☐ Yes. Describe.....

Type of assistance

4. Do you expect your family's average monthly net income to increase or decrease by more than 10% during the next 6 months?

- ☐ No
☐ Yes. Explain.....

5. Tell the court why you are unable to pay the filing fee in installments within 120 days. If you have some additional circumstances that cause you to not be able to pay your filing fee in installments, explain them.

B 6I – Schedule I: Your Income

Fill in this information to identify your case:

Debtor 1
First Name Middle Name Last Name

Debtor 2 (Spouse, if filing)
First Name Middle Name Last Name

United States Bankruptcy Court for the: District of

Case number (if known)

Check if this is:

☐ An amended filing

☐ A supplement showing post-petition chapter 13 income as of the following date:

MM / DD / YYYY

Official Form B 6I

Schedule I: Your Income

12/13

Be as complete and accurate as possible. If two married people are filing together (Debtor 1 and Debtor 2), both are equally responsible for supplying correct information. If you are married and not filing jointly, and your spouse is living with you, include information about your spouse. If you are separated and your spouse is not filing with you, do not include information about your spouse. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Describe Employment

1. Fill in your employment information.

If you have more than one job, attach a separate page with information about additional employers.

Include part-time, seasonal, or self-employed work.

Occupation may include student or homemaker, if it applies.

Employment status

☐ Employed
☐ Not employed

☐ Employed
☐ Not employed

Occupation

Employer's name

Employer's address

Number Street

Number Street

City State ZIP Code

City State ZIP Code

How long employed there?

Part 2: Give Details About Monthly Income

Estimate monthly income as of the date you file this form. If you have nothing to report for any line, write \$0 in the space. Include your non-filing spouse unless you are separated.

If you or your non-filing spouse have more than one employer, combine the information for all employers for that person on the lines below. If you need more space, attach a separate sheet to this form.

For Debtor 1

For Debtor 2 or non-filing spouse

2. List monthly gross wages, salary, and commissions (before all payroll deductions). If not paid monthly, calculate what the monthly wage would be.

2. \$

\$

3. Estimate and list monthly overtime pay.

3. + \$

+ \$

4. Calculate gross income. Add line 2 + line 3.

4. \$

\$

B 6J – Schedule J: Your Expenses

Fill in this information to identify your case:

Debtor 1

Debtor 2 (Spouse, if filing)

United States Bankruptcy Court for the: District of

Case number (if known)

Check if this is:

☐ An amended filing

☐ A supplement showing post-petition chapter 13 expenses as of the following date:

☐ A separate filing for Debtor 2 because Debtor 2 maintains a separate household

Official Form B 6J

Schedule J: Your Expenses

12/13

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach another sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Describe Your Household

1. Is this a joint case?

☐ No. Go to line 2.

☐ Yes. Does Debtor 2 live in a separate household?

☐ No

☐ Yes. Debtor 2 must file a separate Schedule J.

2. Do you have dependents?

☐ No

☐ Yes. Fill out this information for each dependent.....

Do not state the dependents' names.

Dependent's relationship to Debtor 1 or Debtor 2	Dependent's age	Does dependent live with you?
<input type="text"/>	<input type="text"/>	<input type="checkbox"/> No <input type="checkbox"/> Yes
<input type="text"/>	<input type="text"/>	<input type="checkbox"/> No <input type="checkbox"/> Yes
<input type="text"/>	<input type="text"/>	<input type="checkbox"/> No <input type="checkbox"/> Yes
<input type="text"/>	<input type="text"/>	<input type="checkbox"/> No <input type="checkbox"/> Yes
<input type="text"/>	<input type="text"/>	<input type="checkbox"/> No <input type="checkbox"/> Yes

3. Do your expenses include expenses of people other than yourself and your dependents?

☐ No

☐ Yes

Part 2: Estimate Your Ongoing Monthly Expenses

Estimate your expenses as of your bankruptcy filing date unless you are using this form as a supplement in a Chapter 13 case to report expenses as of a date after the bankruptcy is filed. If this is a supplemental Schedule J, check the box at the top of the form and fill in the applicable date.

Include expenses paid for with non-cash government assistance if you know the value of such assistance and have included it on Schedule I: Your Income (Official Form B 6I.)

	Your expenses
4. The rental or home ownership expenses for your residence. Include first mortgage payments and any rent for the ground or lot.	4. \$ <input type="text"/>
If not included in line 4:	
4a. Real estate taxes	4a. \$ <input type="text"/>
4b. Property, homeowner's, or renter's insurance	4b. \$ <input type="text"/>
4c. Home maintenance, repair, and upkeep expenses	4c. \$ <input type="text"/>
4d. Homeowner's association or condominium dues	4d. \$ <input type="text"/>

Official Form B 6J

Schedule J: Your Expenses

page 1

Federal Bankruptcy Forms

Pending Amendments – December 1, 2013

B 6 – *Summary of Schedules*

B 27 – *Reaffirmation Agreement Cover Sheet*

***Updated with line number cross references
to Schedules I and J.***

Federal Bankruptcy Forms

Pending Amendments – December 1, 2013

B 23 – *Debtor's Certificate of Completion of Instructional Course Concerning Financial Management*

B 200 – *Required Lists, Statements, Schedules, and Fees*

Revised consistent with new filing requirement under Rule 1007(b).

Federal Bankruptcy Forms

Pending Amendments – December 1, 2013

B 254 – *Subpoena for Rule 2004 Examination*

B 255 – *Subpoena to Appear and Testify at a hearing or Trial in a Bankruptcy Case (or Adversary Proceeding)*

B 256 – *Subpoena to Testify at a Deposition in a Bankruptcy Case (or Adversary Proceeding)*

B 257 – *Subpoena to Produce Documents, Information, or Objects to Permit Inspection in a Bankruptcy Case (or Adversary Proceeding)*

***Revised consistent with amendments to
Civil Rule 45, which is applicable
under Bankr. Rule 9016.***

Federal Bankruptcy Fees

Pending Amendments – December 1, 2013

- Retrieval of record from Federal Records Center, National Archives, or other storage location away from the court:
 - First box – fee increases from \$53 to \$64
 - Each additional box – new fee \$39
- Filing a motion for sale of property free and clear of liens under 11 USC § 363(f):
 - New fee \$176